

**Town of Rockport Planning Board
Meeting Minutes
Thursday, January 27, 2022 – 5:30 p.m.**

Commented [MH1]: Reviewed, edited, and commented 3/9 - MH

Geoffrey A. Parker Conference Room
Rockport Opera House
Meeting Televised on Channel 22
Streamed on Livestream.com

Board Present: Chair Joe Sternowski, John Viehman, Mark X Haley II, Thomas Laurent.

Board Absent: Carter Skemp, David Pio, Victoria Condon.

Staff Present: Planner and Community Development Director, Orion Thomas, Videographer Bruce Hilsmeier.

Chair Sternowski called the meeting to order at 5:30 p.m. with a quorum. He determined that no member had a conflict of interest with any item on this agenda.

Item # 1: Consideration for a New Use for a property located at 1075 Commercial Street Rockport, ME 04856 and identified as Map 002 Lot 169 and is located in Zone District 906. The property is under a Purchase & Sales Contract by John Lang.

John Lang gave a brief overview of his plans to change the use of the property located at 1075 Commercial Street. The plan included cleaning, painting, and minor landscaping to renew and improve the property. There would not be any significant changes to the property, only improving the already existing elements. The applicant wished to have a change of use to a professional office or retail space.

The board discussed whether the application was complete.

Motion: John Viehman moved, seconded by Mark Haley, that the application, as presented by John Lang for the commercial space at 1075 Commercial Street, is complete.

No Discussion

Carried 4-0-0

The board then reviewed the application against Sections 900, 1305, 800, and 1000. The board found no serious issues but did feel that the applicant should present a

landscape plan. The board made the inclusion of a landscape plan a condition of approval.

Motion: Thomas Laurent moved, seconded by Mr. Viehman, that the intended use of retail and professional space is allowed.

No Discussion

Carried 4-0-0

Motion: Mr. Haley moved, seconded by Mr. Viehman, that none of the standards in 1305 apply given the changes being made to this property.

No Discussion

Carried 4-0-0

Motion: Mr. Haley moved, seconded by Mr. Laurent, that the application and the site plan as presented meets the requirements of Section 800.

No Discussion

Carried 4-0-0

Motion: Mr. Haley moved, seconded by Mr. Viehman, that the applicant has met all the conditions of Section 1000, except for the presentation of a landscape plan which will be subject to conditions of approval. The conditions of use shall be that the applicant will submit a landscaping plan that meets the requirements of the land use ordinances.

The board recommended that Mr. Haley include the specific condition of use.

Carried 4-0-0

Motion: Mr. Viehman moved, seconded by Mr. Haley, that the project is approved subject to the condition that the space will be used only for professional office space or retail.

No Discussion

Carried 4-0-0

Item # 2: Consideration for a Change of Use for a property located at 303 Commercial Street Rockport, ME 04856 and identified as Map 002 Lot 169 and is located in Zone District 906. Property is owned and represented by Joshua Gamage.

Joshua Gamage informed the board of his plan to change from a home occupation catering business to a small-scale food packaging business. It was stated that the change would have a positive impact on the level of traffic at the location. Joshua also

stated that no large-scale machinery would be present and that only he and his wife would be involved in this business.

Motion: Mr. Viehman moved, seconded by Mr. Haley, that the application was complete.

No Discussion

Carried 4-0-0

The board reviewed relevant Sections 906, 811, 800, and 1000 to ensure the application complied with the land use ordinances.

Motion: Mr. Haley moved, seconded by Mr. Laurent, that the application as proposed is permitted in the 906 zoning district as a home occupation.

Mr. Thomas suggested including the terms commercial and home occupation to the motion, at this time Mr. Haley rescinded his motion.

Commented [rc2]: I included Mr. Haley's rescinded motion I'm unsure of how these should be formatted or whether it should be included at all.

Commented [MH3R2]: I'm not sure either.

Motion: Mr. Haley moved, seconded by Mr. Laurent, to recognize that the property at 303 Commercial Street can be used for home occupation with commercial use which conforms to the 906 guidelines.

No Discussion

Carried 4-0-0

Motion: Mr. Haley moved, seconded by Mr. Viehman, that the project as proposed for 303 Commercial Street, Section 1305 does not apply.

No Discussion

Carried 4-0-0

Motion: Mr. Viehman moved, seconded by Mr. Haley, that the site plan as proposed is consistent with the requirements of Section 800.

No Discussion

Carried 4-0-0

Motion: Mr. Haley moved, seconded by Mr. Viehman, that Section 1000 does not apply to the application for 303 Commercial Street.

No Discussion

Carried 4-0-0

Motion: Mr. Haley moved, seconded by Mr. Viehman, that the site plan and the application presented by 303 Commercial Street have met all conditions on the land use ordinance and are approved.

No Discussion

Carried 4-0-0

Item # 3: Consideration following Remand by Hon. Bruce Mallonee, Knox County Superior Court, regarding 20 Central Street, LLC's Rockport Harbor Hotel for consideration of the issues of parking requirements and architectural harmony. This property is identified as Map 029 Lot 293, located at 20 Central Street Rockport, ME 04856 and is within Zone District 913. Property is Owned by 20 Central Street, LLC, and is being represented by Tyler Smith.

Commented [MH4]: Is it 20 Central Street, LLC or 20 Central Street LLC? Need to be consistent.

The board heard from Attorney Collins, counsel for the Appellant, and Tyler Smith representing 20 Central Street LLC. Both parties received 15 minutes to present their case to the board. Attorney Collins cited the issues with the building façade as well as the issue of parking. Attorney Collins stated that the board submit a site plan amendment and that the Planning Board should require a parking study. She wanted the board to determine what 20 Central Street LLC's intentions were about parking. She cited the balconies as a major concern about the façade of the building.

Mr. Smith gave a presentation in defense of the actions of 20 Central Street including statements from multiple architects concerning the façade of the building.

Chair Sternowski stated that the board would first examine all evidence submitted over 30 days ago. After this, the new evidence submitted in the last 30 days, would be reviewed.

The board then discussed the architectural harmony of the building based on evidence submitted over 30 days prior to this meeting. All board members concurred that they saw no issues with the façade, all felt that the building was in harmony with the existing buildings in Rockport Village. The board examined the 2018 Land Use Ordinance to determine if there were any parts of the architecture which were not in compliance with the ordinance.

Commented [rc5]: I added the straw polls taken by the board but was unsure if these were meant to be included, or how they should be formatted.

Chair Sternowski took multiple straw polls to determine where the board fell on the issues that were examined.

Is the site plan in compliance with Section 1003?

4-0-0

The Proposed site plan meets the requirements of Section 1301.
4-0-0

The board then reviewed the parking issue as required by the remand from the Knox County Superior Court. The board reviewed minutes from the 10-08-2008, 6-20-2012, 7-11-2012, and 8-8-2012 Planning board meetings. The board found that no spaces were allocated to the surrounding properties.

Chair Sternowski took a poll to get an idea of what the other board members believed about the availability of parking spaces.

Are 21 spaces available for 20 Central Street LLC to use for off-street parking?
4-0-0 - Affirmative

Chair Sternowski also stated for the record that the Planning Board did not grant any parking waivers for, nor did they approve any shared parking.

After this, the board reviewed the new evidence received in the past 30 days, including letters from numerous local architects speaking in favor of the hotel project. The board members found the evidence reflected their previous opinions on the architectural harmony of the hotel.

Kristen Collins wished to state for the record that she was unaware that the Board would review new evidence. Stating that she would have prepared more evidence if she had known about this.

Item # 4: Approval of Minutes: 12-16-2021

Motion: Mr. Laurent moved, seconded by Mr. Haley, to approve the minutes as amended.

No Discussion
Carried 4-0-0

Item # 5: Other Business

A. The Board granted a continuance to item #3 on the Agenda.

Item # 6: Adjournment

Motion: Mr. Viehman moved to adjourn, seconded by Mr. Haley.

Carried 4-0-0 The meeting was adjourned at 9:23 p.m.

Commented [rc6]: Due to the audio here I lost most of Mr. Haley's statement.

Commented [rc7]: There was a few glitches throughout the video, however, Staring at Attorney Collin's objection much of the sound becomes unintelligible. As such I was not able to capture all the details towards the end. If there is anything I have missed, let me know how I can help or feel free to add in any information/notes you have that you feel should be included. If there is a way to correct the audio I can go back and add anything that is missing, thanks.

Respectfully Submitted,

Regan E. Crowe
Recording Secretary